



9-13-04

JFW

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/751,337

Filing Date: January 2, 2004

Applicant: Hans-Gerhard Kortmann, et al.

Group Art Unit: 3679

Examiner: Unknown

Title: FASTENER, METHOD OF MAKING IT, AND ITS USE

Attorney Docket: 0275M-000845

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Director of the United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, Applicant hereby submits an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS, AND OTHER INFORMATION

The patents, publications and other information requested to be considered by the Office (except unpublished U.S. patent applications) are listed on Form 1449 attached hereto.

II. COPIES

A.  Submitted herewith is a legible copy of (i) each U.S. patent application publication and U.S. and foreign patent; (ii) each publication or that portion which caused it to be listed; (iii) for each cited pending U.S. application, the application specification including the claims, and any drawing of the application which caused it to be listed including the claims directed to that portion; and (iv) all other information or that portion which caused it to be listed.

B.  Any patents, publications or other information which are listed on Form 1449 or on the copies of PTO-892, but which are not enclosed herewith, were

previously cited by or submitted to the PTO in one of the following applications which has been relied upon for an earlier filing date under 35 U.S.C. § 120:

U.S. Serial Number

U.S. Filing Date

C.  Because the present application was/is being filed after June 30, 2003, no copies of the U.S. patents or U.S. patent application publications which are listed on the attached Form 1449 are enclosed pursuant to the waiver of 37 C.F.R. § 1.98(a)(2)(i). Any foreign patent documents or non-patent literature listed on the attached Form 1449 are enclosed herewith.

D.  This is continuation application of PCT/EP02/06952 designating the United States. A copy of the International Search Report is attached for the Examiner's information. The documents listed on the International Search Report are listed on the attached Form 1449 for consideration by the Examiner and for listing on any patent resulting from this application.

III. CONCISE EXPLANATION OF THE RELEVANCE (check at least one box)

A.  Except as may be indicated below in (B), all of the patents, publications or other information are in the English language (concise explanation not required).

B.  A concise explanation of the relevance of each patent, publication or other information listed that is not in the English language is as follows (see 37 C.F.R. § 1.98(a)(3)):

1.  See the attached foreign patent office communication from a counterpart foreign application:

2.  English translations are provided:

3.  Other:

G94 08 041.0, 7411490, GM 7907821 and DE29518398U1 appear to be relevant to the claimed subject matter.

C.  The following additional information is provided for the Examiner's consideration.

**IV. CROSS REFERENCE TO RELATED APPLICATION(S)**

A.  The Examiner is advised that the following co-pending application(s) contain(s) subject matter that may be related to the present application. By bringing this(these) application(s) to the Examiner's attention, Applicant(s) does (do) not waive the confidentiality provisions of 35 U.S.C. § 122.

<u>Serial No.</u>	<u>Filing Date</u>	<u>Art Unit</u>
10/613,450	July 3, 2003	3742
10/698,961	October 31, 2003	3679
PCT/US03/20836	July 3, 2003	

**V. THIS IDS IS BEING FILED UNDER**

A.  **37 C.F.R. § 1.97(b):** (check only one box)

1.  within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d) (37 C.F.R. § 1.97(b)(1)). No fee or certification is required.
2.  within three months of the date of entry of the national stage as set forth in § 1.491 in an international application (37 C.F.R. § 1.97(b)(2)). No fee or certification is required.
3.  before the mailing of a first Office Action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or certification is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37 C.F.R. § 1.97(e) below; or, if no certification has been made, charge our deposit account a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).
4.  before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No fee or certification is required.

B.  **37 C.F.R. § 1.97(c):** (check only one box)

before the mailing date of either any Final Office Action under 37 C.F.R. § 1.113, a Notice of Allowance under 37 C.F.R. § 1.311, or an action that otherwise closes prosecution.

1.  No certification; therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

2.  See the certification below. No fee is required.

C.  **37 C.F.R. § 1.97(d):**

after the mailing date of either a Final Office Action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311, yet on or before payment of the issue fee.

1.  See the certification below. A fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

**VI. CERTIFICATION UNDER 37 C.F.R. § 1.97(e): (check only one box)**

The undersigned hereby certifies that:

A.  each item of information contained in this IDS was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(1)). See further statement under 37 C.F.R. 1.704(d) below in section VII, if applicable; or

B.  no item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(2)).

C.  some of the items of information were first cited in a communication from a foreign patent office. As to this information, the undersigned hereby certifies that each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS.

**VII. STATEMENT UNDER 37 C.F.R. 1.704(d)**

The undersigned hereby states that:

each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this IDS.

VIII. PAYMENT OF FEES (check only one box)

A.  A check in the amount of \$180.00 is enclosed for the above identified fee.

B.  Please charge Deposit Account No. 02-2550 in the amount of \$180.00 for the above-indicated fee. A duplicate copy of this paper is attached.

The above references are being cited only in the interest of candor and without any admission that they constitute statutory prior art, contain matter which anticipates the invention, or which would render the same obvious, either singly or in combination, to a person of ordinary skill in the art. Furthermore, this Information Disclosure Statement shall not be construed as a representation that a search has been made.

If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition if necessary) and charge the appropriate fee to Deposit Account No. 02-2550.

Please charge any additional fees or credit any overpayment pursuant to 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 02-2550.

Respectfully submitted,

Dated: Sept 10-2004

By:   
Christopher A. Eusebi  
Reg. No. 44,672

Harness, Dickey & Pierce, P.L.C.  
P.O. Box 828  
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CAE/smb



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## TRANSMITTAL FORM

*(to be used for all correspondence after initial filing)*

		Application Number	10/751,337
		Filing Date	January 2, 2004
		First Named Inventor	Hans-Gerhard Kortmann, et al.
		Art Unit	3679
		Examiner Name	Unknown
Total Number of Pages in This Submission		Attorney Docket Number	0275M-000845

**ENCLOSURES (check all that apply)**

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i> <b>Form HDP-1449 (Based on PTO-1449 - 3 pgs); a copy of each of 25 Foreign Documents and 2 Other Documents; and postcard.</b>
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## Remarks

The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 08-0750. A duplicate copy of this sheet is enclosed.

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Harness, Dickey & Pierce, P.L.C.	Attorney Name Christopher A. Eusebi	Reg. No. 44,672
Signature			
Date	September 10, 2004		

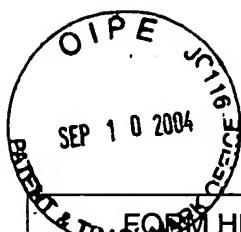
**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Christopher A. Eusebi	Express Mail Label No.	EV 531 989 889 US (9/10/2004)
Signature		Date	September 10, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*



FORM HDP-1449 (Based on Form PTO-1449)		ATTORNEY DOCKET NO.	SERIAL NO.
		0275M-000845	10/751,337
		APPLICANT	
		Hans-Gerhard Kortmann, et al.	
		FILING DATE	GROUP
		January 2, 2004	3679

**PATENT AND TRADEMARK OFFICE**  
**INFORMATION DISCLOSURE CITATION**  
 (Use several sheets if necessary)

Sheet 1 of 3

U.S. PATENT DOCUMENTS						
Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
1.		2002/0030037	03/14/02	Sichtermann, et al.		
2.		2,167,285	07/25/39	W.E. Smith		
3.		2,202,405	05/28/40	W.E. Smith		
4.		2,707,507	05/03/55	C.D. Tripp et al.		
5.		2,708,129	05/10/55	F.K. Kelemen, et al.		
6.		2,760,797	08/28/56	G.V. Woodling		
7.		2,878,363	03/17/59	T.E. Shoup, et al.		
8.		2,909,206	10/20/59	K.L. Johnson		
9.		2,936,806	05/17/60	E.V. Harper		
10.		3,094,607	6/18/63	R.D. Flynn, et al.		
11.		3,140,738	07/14/64	K.L. Johnson		
12.		3,233,073	02/01/66	Ruetschi, et al.		
13.		3,340,379	09/05/67	Sweeney, et al.		
14.		3,671,710	06/20/72	Coombs		
15.		3,905,173	09/16/75	Gerken		
16.		4,092,514	05/30/78	Burton		
17.		4,285,379	08/25/81	Kowalski		
18.		4,326,825	04/27/82	Volkmann, et al.		
19.		4,856,954	08/15/89	Peterson		
20.		5,137,406	08/11/92	Cosenza		
21.		5,252,802	10/12/93	Raycher		

Examiner:

Date Considered:

EXAMINER: Please initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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		Hans-Gerhard Kortmann, et al.	
		FILING DATE	GROUP
		January 2, 2004	3679
Sheet 2 of 3			

### U.S. PATENT DOCUMENTS

Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
22.		5,393,164	02/28/95	Renner, et al.		
23.		5,508,488	04/16/96	Aoyama, et al.		
24.		5,579,986	12/03/96	Sherry, et al.		
25.		5,713,705	02/03/98	Grunbichler		
26.		5,987,957	11/23/99	Foeller, et al.		
27.		6,308,927	10/30/01	Leahy		

### FOREIGN PATENT DOCUMENTS

Ref. Desig.	Examiner's Initials	Document Number	Date	Country	Class/ Subclass	Translation Yes	No
1.		EP 0405025A1	02.01.91	EPO			
2.		EP 0761985A1	03.12.97	EPO		Abstract	
3.		EP 1060826	20.12.00	EPO		Abstract	
4.		EP 1116890A1	18.07.01	EPO			
5.		EP 1202616A1	02.05.02	EPO			
6.		G94 08 041.0	25.08.94	Germany			
7.		DE 3728219	09.03.89	Germany		Abstract	
8.		DE 4024042	10.10.91	Germany		Abstract	
9.		DE 4222664A1	13.01.94	Germany		Abstract	
10.		DE 4417397	23.11.95	Germany		Abstract	
11.		DE 4432550C1	02.11.95	Germany		Abstract	

Examiner:

Date Considered:

EXAMINER: Please initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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		APPLICANT	
		Hans-Gerhard Kortmann, et al.	
		FILING DATE	GROUP
		January 2, 2004	3679
Sheet 3 of 3			

FOREIGN PATENT DOCUMENTS						
Ref. Desig.	Examiner's Initials	Document Number	Date	Country	Class/ Subclass	Translation Yes No
12.		7411490	27.06.74	Germany		
13.		GM 7907821	26.07.79	Germany		
14.		DE 19637935	09.04.98	Germany	Abstract	
15.		DE 19811532	23.09.99	Germany	Abstract	
16.		DE 19925628A1	07.12.00	Germany	Abstract	
17.		DE 29518398U1	07.03.96	Germany		
18.		DE 29610640U1	21.11.96	Germany	Abstract	
19.		GB 1464885	16.02.77	UK		
20.		GB 2041138A	03.09.80	UK		
21.		GB 2065011A	24.06.81	UK		
22.		GB 2153948A	29.08.85	UK		
23.		WO 01/76811A1	18.10.01	WIPO		
24.		WO 03/038293A1	28.10.03	WIPO	Abstract	
25.		WO 97/35684	02.10.97	WIPO		

OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, etc.)		
Ref. Desig.	Examiner's Initials	
1.		International Search Report PCT/EP02/06952, 19 September 2002, 2 pages
2.		International Publication WO 03/004883 A1, 16 January 2003, for PCT/EP02/06952

Examiner:	Date Considered:
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EXAMINER: Please initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.